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Attorneys for Plaintiff Masimo Corporation

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MASIMO CORPORATION

Plaintiff,

v.

POLITAN CAPITAL
MANAGEMENT LP, POLITAN
CAPITAL MANAGEMENT GP LLC,
POLITAN CAPITAL PARTNERS GP
LLC, POLITAN CAPITAL NY LLC,
POLITAN INTERMEDIATE LTD.,
POLITAN CAPITAL PARTNERS
MASTER FUND LP, POLITAN
CAPITAL PARTNERS LP, POLITAN
CAPITAL OFFSHORE PARTNERS
LP, QUENTIN KOFFEY, MICHELLE
BRENNAN, MATTHEW HALL,
AARON KAPITO, WILLIAM
JELLISON, DARLENE SOLOMON,

Defendants.

Civil Action No. 8:24-cv-01568-JVS-JDE

**DECLARATION OF ROBERT J.
ELLISON IN SUPPORT OF
PLAINTIFF'S *EX PARTE*
APPLICATION FOR AN ORDER
FINDING DEFENDANTS IN
CONTEMPT OF COURT AND FOR
SANCTIONS**

Courtroom: 10C
Honorable James V. Selna

DECLARATION OF ROBERT J. ELLISON

I, Robert J. Ellison, hereby state and declare as follows:

1. I am a partner at the law firm of Latham & Watkins LLP, counsel for Plaintiff in the above-captioned action. I am admitted to practice law in the State of California and am a member in good standing of the United States District Court for the Central District of California. I make this declaration in support of Plaintiff's *Ex Parte* Application for an Order Finding Defendants in Contempt of Court and for Sanctions. I have personal knowledge of the facts stated herein, and, if called to testify as a witness, I could and would testify competently thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of the docket in this matter, as of September 12, 2024.

3. Attached hereto as **Exhibit B** is a true and correct copy of a press release titled *Judge Found that Masimo's Endless Array of Allegations Did Not Hold Up in Court*, issued by Politan Capital management on September 12, 2024.

4. Attached hereto as **Exhibit C** is a true and correct copy of a press release titled *Masimo's Lawsuit Forced Politan and Quentin Koffey to Issue Corrective Disclosures on False and Misleading Statements Made to Masimo Stockholders on Issues Material to the Proxy Context*, issued by Masimo Corporation on September 12, 2024.

5. Attached hereto as **Exhibit D** is a true and correct copy of an article titled *Politan Wins Masimo Litigation, Contest Proceeds*, published by The Deal on September 12, 2024.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 12th day of September in Los Angeles, California.



Robert J. Ellison

EXHIBIT A

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Southern Division - Santa Ana)
CIVIL DOCKET FOR CASE #: 8:24-cv-01568-JVS-JDE**

Masimo Corporation v. Politan Capital Management LP et al
Assigned to: Judge James V. Selna
Referred to: Magistrate Judge John D. Early
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 07/15/2024
Jury Demand: Plaintiff
Nature of Suit: 850 Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Masimo Corporation

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Date Filed	#	Docket Text
07/15/2024	<u>1</u>	COMPLAINT Receipt No: ACACDC-37837169 - Fee: \$405, filed by Plaintiff Masimo Corporation. (Attorney Michele D. Johnson added to party Masimo Corporation(pty:pla)) (Johnson, Michele) (Entered: 07/15/2024)
07/15/2024	<u>2</u>	CIVIL COVER SHEET filed by Plaintiff Masimo Corporation. (Johnson, Michele) (Entered: 07/15/2024)
07/15/2024	<u>3</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) <u>1</u> filed by Plaintiff Masimo Corporation. (Johnson, Michele) (Entered: 07/15/2024)
07/15/2024	<u>4</u>	Certification and Notice of Interested Parties filed by Plaintiff Masimo Corporation, identifying BlackRock, Inc.; FMR, LLC; Politan Capital Management LP; Politan Capital Management GP LLC; Politan Capital Partners GP LLC; Politan Capital NY LLC; Politan Intermediate Ltd.; Politan Capital Partners Master Fund LP; Politan Capital Partners LP; Politan Capital Offshore Partners LP; Quentin Koffey; Michelle Brennan; Matthew Hall; Aaron Kapito; William Jellison; Darlene Solomon. (Johnson, Michele) (Entered: 07/15/2024)
07/16/2024	<u>5</u>	NOTICE OF ASSIGNMENT to District Judge James V. Selna and Magistrate Judge John D. Early. (et) (Entered: 07/16/2024)
07/16/2024	<u>6</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (et) (Entered: 07/16/2024)
07/16/2024	<u>7</u>	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (et) (Entered: 07/16/2024)
07/16/2024	<u>8</u>	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening) <u>1</u> as to Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP, Darlene Solomon. (et) (Entered: 07/16/2024)
07/17/2024	<u>9</u>	INITIAL ORDER FOLLOWING FILING OF COMPLAINT ASSIGNED TO JUDGE SELNA. (rrp) (Entered: 07/17/2024)
07/18/2024	<u>10</u>	EX PARTE APPLICATION to Expedite Expedited Discover in Aid of Concurrently-Filed Motion for Preliminary Injunction filed by Plaintiff Masimo Corporation. (Attachments: # <u>1</u> Proposed Order) (Johnson, Michele) (Entered: 07/18/2024)
07/18/2024	<u>11</u>	DECLARATION of Colleen C. Smith in Support of EX PARTE APPLICATION to Expedite Expedited Discover in Aid of Concurrently-Filed Motion for Preliminary

Ex. A

ID #: 22843

		Injunction 10 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 7, # 7 Exhibit 8, # 8 Exhibit 10, # 9 Exhibit 11, # 10 Exhibit 12, # 11 Exhibit 13, # 12 Exhibit 14, # 13 Exhibit 15, # 14 Exhibit 16, # 15 Exhibit 17, # 16 Exhibit 18, # 17 Exhibit 19, # 18 Exhibit 20, # 19 Exhibit 21, # 20 Exhibit 22, # 21 Exhibit 23, # 22 Exhibit 24)(Smith, Colleen) (Entered: 07/18/2024)
07/18/2024	12	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re EX PARTE APPLICATION to Expedite Expedited Discover in Aid of Concurrently-Filed Motion for Preliminary Injunction 10 , Declaration (Motion related),, 11 served on 07/18/2024. (Johnson, Michele) (Entered: 07/19/2024)
07/19/2024	13	NOTICE OF MOTION AND MOTION for Preliminary Injunction filed by Plaintiff Masimo Corporation. Motion set for hearing on 9/9/2024 at 01:30 PM before Judge James V. Selna. (Attachments: # 1 Memorandum of Points and Authorities, # 2 Proposed Order) (Johnson, Michele) (Entered: 07/19/2024)
07/19/2024	14	DECLARATION of Colleen C. Smith in Support of NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 7, # 7 Exhibit 8, # 8 Exhibit 10, # 9 Exhibit 11, # 10 Exhibit 12, # 11 Exhibit 13, # 12 Exhibit 14, # 13 Exhibit 15, # 14 Exhibit 16, # 15 Exhibit 17, # 16 Exhibit 18, # 17 Exhibit 19, # 18 Exhibit 20, # 19 Exhibit 21, # 20 Exhibit 22, # 21 Exhibit 23, # 22 Exhibit 24)(Smith, Colleen) (Entered: 07/19/2024)
07/19/2024	15	STIPULATION for Extension of Time to File Opposition to Ex Parte Application as to EX PARTE APPLICATION to Expedite Expedited Discover in Aid of Concurrently-Filed Motion for Preliminary Injunction 10 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order)(Attorney Bethany Woodard Kristovich added to party Michelle Brennan(pty:dft), Attorney Bethany Woodard Kristovich added to party Matthew Hall(pty:dft), Attorney Bethany Woodard Kristovich added to party William Jellison(pty:dft), Attorney Bethany Woodard Kristovich added to party Aaron Kapito(pty:dft), Attorney Bethany Woodard Kristovich added to party Quentin Koffey(pty:dft), Attorney Bethany Woodard Kristovich added to party Politan Capital Management GP LLC(pty:dft), Attorney Bethany Woodard Kristovich added to party Politan Capital Management LP(pty:dft), Attorney Bethany Woodard Kristovich added to party Politan Capital NY LLC(pty:dft), Attorney Bethany Woodard Kristovich added to party Politan Capital Offshore Partners LP(pty:dft), Attorney Bethany Woodard Kristovich added to party Politan Capital Partners GP LLC(pty:dft), Attorney Bethany Woodard Kristovich added to party Politan Capital Partners Master Fund LP(pty:dft), Attorney Bethany Woodard Kristovich added to party Politan Intermediate Ltd.(pty:dft), Attorney Bethany Woodard Kristovich added to party Politcan Capital Partners LP(pty:dft), Attorney Bethany Woodard Kristovich added to party Darlene Solomon(pty:dft))(Kristovich, Bethany) (Entered: 07/19/2024)
07/22/2024	16	ORDER GRANTING STIPULATION REGARDING DEFENDANTS' DEADLINE TO OPPOSE PLAINTIFF'S EX PARTE APPLICATION 15 by Judge James V. Selna, Defendants' deadline to file an opposition to the Ex Parte Application is hereby extended to Monday, July 22, 2024, at 5:00 pm. (es) (Entered: 07/22/2024)
07/22/2024	17	Notice of Appearance or Withdrawal of Counsel: for attorney Bethany Woodard Kristovich counsel for Defendants Michelle Brennan, Matthew Hall, William Jellison,

		Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. Adding Bethany W. Kristovich as counsel of record for Defendants Politan Capital Management LP, Politan Capital Management GP LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, and Darlene Solomon for the reason indicated in the G-123 Notice. Filed by Defendants Defendants Politan Capital Management LP, Politan Capital Management GP LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, and Darlene Solomon. (Kristovich, Bethany) (Entered: 07/22/2024)
07/22/2024	<u>18</u>	Notice of Appearance or Withdrawal of Counsel: for attorney John Michael Gildersleeve counsel for Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. Adding John M. Gildersleeve as counsel of record for Politan Capital Management LP, Politan Capital Management GP LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, and Darlene Solomon for the reason indicated in the G-123 Notice. Filed by Defendants Politan Capital Management LP, Politan Capital Management GP LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, and Darlene Solomon. (Attorney John Michael Gildersleeve added to party Michelle Brennan(pty:dft), Attorney John Michael Gildersleeve added to party Matthew Hall(pty:dft), Attorney John Michael Gildersleeve added to party William Jellison(pty:dft), Attorney John Michael Gildersleeve added to party Aaron Kapito(pty:dft), Attorney John Michael Gildersleeve added to party Quentin Koffey(pty:dft), Attorney John Michael Gildersleeve added to party Politan Capital Management GP LLC(pty:dft), Attorney John Michael Gildersleeve added to party Politan Capital Management LP(pty:dft), Attorney John Michael Gildersleeve added to party Politan Capital NY LLC(pty:dft), Attorney John Michael Gildersleeve added to party Politan Capital Offshore Partners LP(pty:dft), Attorney John Michael Gildersleeve added to party Politan Capital Partners GP LLC(pty:dft), Attorney John Michael Gildersleeve added to party Politan Capital Partners Master Fund LP(pty:dft), Attorney John Michael Gildersleeve added to party Politan Intermediate Ltd.(pty:dft), Attorney John Michael Gildersleeve added to party Politcan Capital Partners LP(pty:dft), Attorney John Michael Gildersleeve added to party Darlene Solomon(pty:dft))(Gildersleeve, John) (Entered: 07/22/2024)
07/22/2024	<u>19</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Anne K Conley counsel for Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. Adding Anne K. Conley as counsel of record for Politan Capital Management LP, Politan Capital Management GP LLC, Politan Capital Partners

		<p>GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, and Darlene Solomon for the reason indicated in the G-123 Notice. Filed by Defendants Politan Capital Management LP, Politan Capital Management GP LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, and Darlene Solomon. (Attorney Anne K Conley added to party Michelle Brennan(pty:dft), Attorney Anne K Conley added to party Matthew Hall(pty:dft), Attorney Anne K Conley added to party William Jellison(pty:dft), Attorney Anne K Conley added to party Aaron Kapito(pty:dft), Attorney Anne K Conley added to party Quentin Koffey(pty:dft), Attorney Anne K Conley added to party Politan Capital Management GP LLC(pty:dft), Attorney Anne K Conley added to party Politan Capital Management LP(pty:dft), Attorney Anne K Conley added to party Politan Capital NY LLC(pty:dft), Attorney Anne K Conley added to party Politan Capital Offshore Partners LP(pty:dft), Attorney Anne K Conley added to party Politan Capital Partners GP LLC(pty:dft), Attorney Anne K Conley added to party Politan Capital Partners Master Fund LP(pty:dft), Attorney Anne K Conley added to party Politan Intermediate Ltd. (pty:dft), Attorney Anne K Conley added to party Politcan Capital Partners LP(pty:dft), Attorney Anne K Conley added to party Darlene Solomon(pty:dft))(Conley, Anne) (Entered: 07/22/2024)</p>
07/22/2024	20	<p>Notice of Appearance or Withdrawal of Counsel: for attorney Juliana Mariko Yee counsel for Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. Adding Juliana M. Yee as counsel of record for Defendants Politan Capital Management LP, Politan Capital Management GP LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, and Darlene Solomon for the reason indicated in the G-123 Notice. Filed by Defendants Defendants Politan Capital Management LP, Politan Capital Management GP LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, and Darlene Solomon. (Attorney Juliana Mariko Yee added to party Michelle Brennan(pty:dft), Attorney Juliana Mariko Yee added to party Matthew Hall(pty:dft), Attorney Juliana Mariko Yee added to party William Jellison(pty:dft), Attorney Juliana Mariko Yee added to party Aaron Kapito(pty:dft), Attorney Juliana Mariko Yee added to party Quentin Koffey(pty:dft), Attorney Juliana Mariko Yee added to party Politan Capital Management GP LLC(pty:dft), Attorney Juliana Mariko Yee added to party Politan Capital Management LP(pty:dft), Attorney Juliana Mariko Yee added to party Politan Capital NY LLC(pty:dft), Attorney Juliana Mariko Yee added to party Politan Capital Offshore Partners LP(pty:dft), Attorney Juliana Mariko Yee added to party Politan Capital Partners GP LLC(pty:dft), Attorney Juliana Mariko Yee added to party Politan Capital Partners Master Fund LP(pty:dft), Attorney Juliana Mariko Yee added to party Politan Intermediate Ltd.(pty:dft), Attorney Juliana Mariko Yee added to party Politcan Capital Partners LP(pty:dft), Attorney Juliana Mariko Yee added to party Darlene Solomon(pty:dft))(Yee, Juliana) (Entered: 07/22/2024)</p>
07/22/2024	21	<p>OPPOSITION to EX PARTE APPLICATION to Expedite Expedited Discover in Aid of Concurrently-Filed Motion for Preliminary Injunction 10 filed by Defendants Michelle</p>

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		Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order)(Kristovich, Bethany) (Entered: 07/22/2024)
07/22/2024	22	DECLARATION of Michael E. Swartz In Opposition to EX PARTE APPLICATION to Expedite Expedited Discover in Aid of Concurrently-Filed Motion for Preliminary Injunction 10 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W)(Kristovich, Bethany) (Entered: 07/22/2024)
07/22/2024	23	DECLARATION of Randall T. Adams In Opposition to EX PARTE APPLICATION to Expedite Expedited Discover in Aid of Concurrently-Filed Motion for Preliminary Injunction 10 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Kristovich, Bethany) (Entered: 07/22/2024)
07/22/2024	24	NOTICE of Interested Parties filed by Defendants All Defendants, identifying Masimo Corp.; BlackRock, Inc.; Politan Capital Management LP, Politan Capital Management GP LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, Darlene Solomon Inc.; FMR, LLC; Miller Insurance Services LLP; and Argonaut Insurance Company. (Kristovich, Bethany) (Entered: 07/22/2024)
07/22/2024	25	Joint STIPULATION for Order Regarding L.R. 7-3 and Defendants' Motion to Dismiss filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order)(Kristovich, Bethany) (Entered: 07/22/2024)
07/22/2024	26	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. Motion set for hearing on 8/26/2024 at 01:30 PM before Judge James V. Selna. (Attachments: # 1 Exhibit Complaint (attached pursuant to Court's Initial Order), # 2 Proposed Order) (Gildersleeve, John) (Entered: 07/22/2024)
07/22/2024	27	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION to Dismiss Case 26 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital

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		Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Gildersleeve, John) (Entered: 07/22/2024)
07/22/2024	28	DECLARATION of Michael E. Swartz In Support Of NOTICE OF MOTION AND MOTION to Dismiss Case 26 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15)(Gildersleeve, John) (Entered: 07/22/2024)
07/23/2024	29	REPLY in Support of EX PARTE APPLICATION to Expedite Expedited Discover in Aid of Concurrently-Filed Motion for Preliminary Injunction 10 // <i>Plaintiff's Reply in Support of Ex Parte Application for Expedited Discovery in Aid of Concurrently Filed Motion for Preliminary Injunction</i> filed by Plaintiff Masimo Corporation. (Johnson, Michele) (Entered: 07/23/2024)
07/23/2024	30	Notice of Appearance or Withdrawal of Counsel: for attorney Matthew Rawlinson counsel for Plaintiff Masimo Corporation. Adding Matthew Rawlinson as counsel of record for Masimo Corporation for the reason indicated in the G-123 Notice. Filed by Plaintiff Masimo Corporation. (Attorney Matthew Rawlinson added to party Masimo Corporation(pty:pla))(Rawlinson, Matthew) (Entered: 07/23/2024)
07/23/2024	31	Notice of Appearance or Withdrawal of Counsel: for attorney Robert James Ellison counsel for Plaintiff Masimo Corporation. Adding Robert J. Ellison as counsel of record for Masimo Corporation for the reason indicated in the G-123 Notice. Filed by Plaintiff Masimo Corporation. (Attorney Robert James Ellison added to party Masimo Corporation(pty:pla))(Ellison, Robert) (Entered: 07/23/2024)
07/23/2024	32	ORDER GRANTING PLAINTIFF'S EX PARTE APPLICATION FOR EXPEDITED DISCOVERY IN AID OF CONCURRENTLY-FILED MOTION FOR PRELIMINARY INJUNCTION 10 by Judge James V. Selna: IT IS HEREBY ORDERED as follows: SEE DOCUMENT FOR DETAILS. (es) (Entered: 07/23/2024)
07/23/2024	33	ORDER GRANTING STIPULATION REGARDING L.R. 7-3 AND DEFENDANTS MOTION TO DISMISS 25 by Judge James V. Selna, The Parties may file any motion governed by L.R. 7-3 within 48 hours of the L.R. 7-3 conference, as set forth in their Stipulation. Defendants Motion to Dismiss may be filed on July 22, 2024. (es) (Entered: 07/23/2024)
07/23/2024	34	APPLICATION of Non-Resident Attorney Frank W. Olander to Appear Pro Hac Vice on behalf of Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-37886695) filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan

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		Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order) (Kristovich, Bethany) (Entered: 07/23/2024)
07/23/2024	35	APPLICATION of Non-Resident Attorney Michael E. Swartz to Appear Pro Hac Vice on behalf of Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-37886782) filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order) (Kristovich, Bethany) (Entered: 07/23/2024)
07/23/2024	36	APPLICATION of Non-Resident Attorney Minji Reem to Appear Pro Hac Vice on behalf of Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-37886900) filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order) (Kristovich, Bethany) (Entered: 07/23/2024)
07/23/2024	37	APPLICATION of Non-Resident Attorney Randall T. Adams to Appear Pro Hac Vice on behalf of Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-37886950) filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order) (Kristovich, Bethany) (Entered: 07/23/2024)
07/24/2024	38	Text Only Order GRANTING Application of Non-Resident Attorney Frank W. Olander to Appear Pro Hac Vice on behalf of Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offhsore LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon 34 by Judge James V. Selna. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (eva) TEXT ONLY ENTRY (Entered: 07/24/2024)
07/24/2024	39	Text Only Order GRANTING Application of Non-Resident Attorney Michael E. Swartz to Appear Pro Hac Vice on behalf of Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offhsore LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan

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		Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon 35 by Judge James V. Selna. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (eva) TEXT ONLY ENTRY (Entered: 07/24/2024)
07/24/2024	40	Text Only Order GRANTING Application of Non-Resident Attorney Minji Reem to Appear Pro Hac Vice on behalf of Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon 36 by Judge James V. Selna. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (eva) TEXT ONLY ENTRY (Entered: 07/24/2024)
07/24/2024	41	Text Only Order GRANTING Application of Non-Resident Attorney Randall T. Adams to Appear Pro Hac Vice on behalf of Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon 37 by Judge James V. Selna. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (eva) TEXT ONLY ENTRY (Entered: 07/24/2024)
07/24/2024	42	EX PARTE APPLICATION to Shorten Time for Hearing on re NOTICE OF MOTION AND MOTION to Dismiss Case 26 to August 5, 2024 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order) (Kristovich, Bethany) (Entered: 07/24/2024)
07/24/2024	43	DECLARATION of Bethany W. Kristovich In Support Of EX PARTE APPLICATION to Shorten Time for Hearing on re NOTICE OF MOTION AND MOTION to Dismiss Case 26 to August 5, 2024 42 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Kristovich, Bethany) (Entered: 07/24/2024)
07/25/2024	44	ORDER DENIED BY ORDER OF THE COURT by Judge James V. Selna: Denying 42 EX PARTE APPLICATION TO EXPEDITE BRIEFING AND HEARING ON MOTION TO DISMISS. (es) (Entered: 07/25/2024)
07/29/2024	45	EX PARTE APPLICATION to Enforce July 23, 2024 Order filed by Plaintiff Masimo Corporation. (Attachments: # 1 Proposed Order, # 2 Declaration of Robert J. Ellison, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3) (Johnson, Michele) (Entered: 07/29/2024)
07/30/2024	46	OPPOSITION In Opposition to re: EX PARTE APPLICATION to Enforce July 23, 2024 Order 45 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Kristovich, Bethany) (Entered: 07/30/2024)

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07/30/2024	47	DECLARATION of Mark C. Rifkin in opposition to EX PARTE APPLICATION to Enforce July 23, 2024 Order 45 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Kristovich, Bethany) (Entered: 07/30/2024)
07/30/2024	48	DECLARATION of Quentin Koffey in opposition to EX PARTE APPLICATION to Enforce July 23, 2024 Order 45 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Kristovich, Bethany) (Entered: 07/30/2024)
07/30/2024	49	DECLARATION of Michael E. Swartz in opposition to EX PARTE APPLICATION to Enforce July 23, 2024 Order 45 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K)(Kristovich, Bethany) (Entered: 07/30/2024)
07/30/2024	50	OPPOSITION In Opposition to re: EX PARTE APPLICATION to Enforce July 23, 2024 Order 45 <i>Corrected Opposition</i> filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Exhibit Redline to Docket 46, # 2 Proposed Order)(Kristovich, Bethany) (Entered: 07/30/2024)
07/31/2024	51	REPLY in Support of EX PARTE APPLICATION to Enforce July 23, 2024 Order 45 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Declaration of Robert J. Ellison, # 2 Exhibit 4, # 3 Exhibit 5)(Johnson, Michele) (Entered: 07/31/2024)
07/31/2024	52	Joint STIPULATION for Protective Order filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon.(Kristovich, Bethany) (Entered: 07/31/2024)
07/31/2024	53	EX PARTE APPLICATION for Order for Confidential Witness Identities filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Declaration of Juliana Yee, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Proposed Order) (Kristovich, Bethany) (Entered: 07/31/2024)

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07/31/2024	54	APPLICATION to file document <i>Declaration of Michael E. Swartz</i> under seal filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Redacted Document Declaration of Michael E. Swartz, # 2 Proposed Order)(Kristovich, Bethany) (Entered: 07/31/2024)
07/31/2024	55	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Declaration of Michael E. Swartz</i> under seal 54 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Unredacted Document Declaration of Michael E. Swartz) (Kristovich, Bethany) (Entered: 07/31/2024)
07/31/2024	56	PROOF OF SERVICE filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon, re Sealed Declaration in SupportDeclaration,, 55 served on July 31, 2024. (Conley, Anne) (Entered: 07/31/2024)
08/01/2024	57	PROTECTIVE ORDER by Magistrate Judge John D. Early re Stipulation for Protective Order. re 52 (mba) (Entered: 08/01/2024)
08/01/2024	58	ORDER GRANTING PLAINTIFF'S EX PARTE APPLICATION TO ENFORCE JULY 23, 2024, ORDER 45 by Judge James V. Selna: IT IS HEREBY ORDERED as follows: SEE DOCUMENT FOR FURTHER INFORMATION. (es) (Entered: 08/01/2024)
08/01/2024	59	ORDER GRANTING DEFENDANTS APPLICATION FOR LEAVE TO FILE UNDER SEAL: UNREDACTED DECLARATION OF MICHAEL E. SWARTZ IN SUPPORT OF DEFENDANTS EX PARTE APPLICATION TO COMPEL DISCLOSURE OF CONFIDENTIAL WITNESS IDENTITIES by Judge James V. Selna 54 . SEE DOCUMENT FOR FURTHER INFORMATION. (twdb) (Entered: 08/01/2024)
08/01/2024	60	[IN CHAMBERS] SCHEDULING NOTICE by Judge James V. Selna: On its own motion, the Court hereby CONTINUES Defendant's Motion to Dismiss 26 from Monday, August 26, 2024, at 1:30 p.m. to Monday, September 9, 2024, at 1:30 p.m. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (eva) TEXT ONLY ENTRY (Entered: 08/01/2024)
08/01/2024	61	SEALED DOCUMENT <i>Declaration of Michael E. Swartz</i> re EX PARTE APPLICATION for Order for Confidential Witness Identities 53 , Order on Motion for Leave to File Document Under Seal, 59 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon.(Kristovich, Bethany) (Entered: 08/01/2024)
08/01/2024	62	PROOF OF SERVICE filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan

		Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon, re Sealed Document,, 61 served on August 1, 2024. (Conley, Anne) (Entered: 08/01/2024)
08/01/2024	63	MEMORANDUM in Opposition to EX PARTE APPLICATION for Order for Confidential Witness Identities 53 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Declaration of Colleen C. Smith, # 2 Declaration 1 (Filed Under Seal))(Johnson, Michele) (Entered: 08/01/2024)
08/01/2024	64	APPLICATION to file document <i>Certain Documents in Support of Plaintiff's Opposition to Defendants' Ex Parte Application</i> under seal filed by Plaintiff Masimo Corporation. (Attachments: # 1 Proposed Order, # 2 Redacted Document Response to Ex Parte Application to Compel Disclosure of Confidential Witness Entities)(Johnson, Michele) (Entered: 08/01/2024)
08/01/2024	65	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Certain Documents in Support of Plaintiff's Opposition to Defendants' Ex Parte Application</i> under seal 64 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Unredacted Document Plaintiff's Response to Defendants' Ex Parte Application to Compel Disclosure of Confidential Witness Identities, # 2 Unredacted Document Exhibit 1 to the Declaration of Colleen C. Smith)(Ellison, Robert) (Entered: 08/01/2024)
08/01/2024	66	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Declaration in SupportDeclaration, 65 served on August 1, 2024. (Ellison, Robert) (Entered: 08/01/2024)
08/02/2024	67	ORDER GRANTING PLAINTIFF'S EX PARTE APPLICATION FOR LEAVE TO FILE CERTAIN DOCUMENTS UNDER SEAL IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S EX PARTE APPLICATION 64 by Judge James V. Selna, the documents set forth below, which were submitted on August 1, 2024, are to be filed under seal pursuant to Local Rule 79-5. (es) (Entered: 08/02/2024)
08/02/2024	68	[IN CHAMBERS] SCHEDULING NOTICE by Judge James V. Selna : On its own motion, the Court hereby sets an in person hearing regarding the Ex Parte Application for Order for Confidential Witness Identities 53 on Monday, August 05, 2024 at 8:30 a.m. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (eva) TEXT ONLY ENTRY (Entered: 08/02/2024)
08/02/2024	69	SEALED DOCUMENT <i>Plaintiff's Response to Defendants' Ex Parte Application to Compel Disclosure of Confidential Witness Identities, Exhibit 1</i> re Order on Motion for Leave to File Document Under Seal, 67 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Exhibit Exhibit 1 to the Declaration of Colleen C. Smith)(Johnson, Michele) (Entered: 08/02/2024)
08/02/2024	70	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Document, 69 served on August 2, 2024. (Johnson, Michele) (Entered: 08/02/2024)
08/02/2024	71	APPLICATION of Non-Resident Attorney Kathryn George to Appear Pro Hac Vice on behalf of Plaintiff Masimo Corporation (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-37957519) filed by Plaintiff Masimo Corporation. (Attachments: # 1 Proposed Order) (Johnson, Michele) (Entered: 08/02/2024)
08/05/2024	72	Text Only Order GRANTING Application of Non-Resident Attorney Kathryn George to Appear Pro Hac Vice on behalf of Plaintiff Masimo Corporation 71 by Judge James V. Selna. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (eva) TEXT ONLY ENTRY (Entered: 08/05/2024)
08/05/2024	73	TRANSCRIPT ORDER as to Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan

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		Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon for Court Reporter. Court will contact Jennifer Galindo at jennifer.galindo@mto.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Conley, Anne) (Entered: 08/05/2024)
08/05/2024	74	MINUTES OF Hearing Re Defendant's Ex Parte Application to Compel Disclosure of Confidential Witness Identities 53 Hearing held before Judge James V. Selna: Cause is called for hearing and counsel make their appearances. The Ex Parte Application is argued and taken under submission. A separate order to follow. Court Reporter: Sharon Seffens. (es) (Entered: 08/05/2024)
08/05/2024	75	TRANSCRIPT ORDER as to Plaintiff Masimo Corporation for Court Reporter. Court will contact Kristen Fechner at kristen.fechner@lw.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Johnson, Michele) (Entered: 08/05/2024)
08/08/2024	76	Joint STIPULATION to Reschedule Deadlines Regarding Amending Defendants' Motion to Dismiss and Related Responses filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order)(Kristovich, Bethany) (Entered: 08/08/2024)
08/09/2024	77	ORDER GRANTING STIPULATION REGARDING DEFENDANTS' MOTION TO DISMISS 76 by Judge James V. Selna, the Court hereby GRANTS the Stipulation. The following schedule shall apply to Defendants' Motion to Dismiss: (a) Defendants to file an amended motion to dismiss on August 12, 2024; (b) Plaintiff to file its opposition to the motion to dismiss on August 26, 2024; and (c) Defendants to file any reply in support of the motion to dismiss on September 2, 2024. (es) (Entered: 08/09/2024)
08/12/2024	78	Amendment to NOTICE OF MOTION AND MOTION to Dismiss Case 26 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order)(Gildersleeve, John) Modified on 8/13/2024 (es). (Entered: 08/12/2024)
08/12/2024	79	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION to Dismiss Case 26 <i>AND NOTICE OF MOTION AND AMENDED MOTION TO DISMISS [DKT 78]</i> filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Gildersleeve, John) (Entered: 08/12/2024)
08/12/2024	80	DECLARATION of Michael E. Swartz In Support Of NOTICE OF MOTION AND MOTION to Dismiss Case 26 <i>AND NOTICE OF MOTION AND AMENDED MOTION TO DISMISS [DKT 78]</i> filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1

Ex. A

		Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16)(Gildersleeve, John) (Entered: 08/12/2024)
08/13/2024	81	APPLICATION to file document under seal filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order, # 2 Redacted Document Status Update on Motion to Compel and Ex Parte Application to Expedite Briefing and Hearing on Motion for Sanctions, # 3 Redacted Document Swartz Declaration, # 4 Redacted Document Ex. A to Swartz Declaration, # 5 Redacted Document Ex. B to Swartz Declaration, # 6 Redacted Document Ex. C to Swartz Declaration, # 7 Redacted Document Ex. D to Swartz Declaration, # 8 Exhibit E to Swartz Declaration, # 9 Exhibit F to Swartz Declaration, # 10 Redacted Document Adams Declaration)(Kristovich, Bethany) (Entered: 08/13/2024)
08/13/2024	82	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document under seal 81 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Unredacted Document SEALED - Status Update on Motion to Compel and Ex Parte Application to Expedite Briefing and Hearing on Motion for Sanctions, # 2 Unredacted Document SEALED - Swartz Declaration, # 3 Unredacted Document SEALED - Ex A to Swartz Declaration, # 4 Unredacted Document SEALED - Ex B to Swartz Declaration, # 5 Unredacted Document SEALED - Ex C to Swartz Declaration, # 6 Unredacted Document SEALED - Ex D to Swartz Declaration, # 7 Unredacted Document SEALED - Adams Declaration)(Kristovich, Bethany) (Entered: 08/13/2024)
08/13/2024	83	DECLARATION of Juliana M. Yee In Support Of APPLICATION to file document under seal 81 (<i>Defendants' Status Update on Motion to Compel and Ex Parte Application to Expedite Briefing and Hearing on Motion for Sanctions</i>) filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order)(Kristovich, Bethany) (Entered: 08/13/2024)
08/13/2024	84	PROOF OF SERVICE filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon, re Sealed Declaration in SupportDeclaration,,, 82 served on 8/13/2024. (Conley, Anne) (Entered: 08/13/2024)
08/14/2024	85	Opposition Opposition re: APPLICATION to file document under seal 81 <i>Response to Defendants' Status Update on Motion to Compel and Ex Parte Application to Expedite Briefing and Hearing on Motion for Sanctions</i> filed by Plaintiff Masimo Corporation. (Attachments: # 1 Declaration of Kristin N. Murphy, # 2 Exhibit 1 (Filed Under Seal), # 3 Exhibit 2 (Filed Under Seal, # 4 Declaration 3 (Filed Under Seal))(Johnson, Michele) (Entered: 08/14/2024)

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08/14/2024	86	APPLICATION to file document <i>Response to Status Update and Exhibits to Declaration of Kristin N. Murphy</i> under seal filed by Plaintiff Masimo Corporation. (Attachments: # 1 Proposed Order, # 2 Redacted Document Plaintiff's Response to Status Update on Motion to Compel Ex Parte Application to Expedite Briefing and Hearing on Motion for Sanctions)(Johnson, Michele) (Entered: 08/14/2024)
08/14/2024	87	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Response to Status Update and Exhibits to Declaration of Kristin N. Murphy</i> under seal 86 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Unredacted Document Response to Defendants' Status Update on Motion to Compel and Ex Parte Application to Expedite Briefing and Hearing on Motion for Sanctions, # 2 Unredacted Document Exhibit 1, # 3 Unredacted Document Exhibit 2, # 4 Unredacted Document Exhibit 3)(Attorney Kristin Nicole Murphy added to party Masimo Corporation(pty:pla))(Murphy, Kristin) (Entered: 08/14/2024)
08/14/2024	88	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Declaration in SupportDeclaration,, 87 served on August 14, 2024. (Murphy, Kristin) (Entered: 08/14/2024)
08/14/2024	89	ORDER GRANTING DEFENDANTS' APPLICATION FOR LEAVE TO FILE UNDER SEAL 81 by Judge James V. Selna, The Court GRANTS Application for Leave to File Under Seal. Defendants shall file the following documents pursuant to Local Rule 79-5.2.2(c). SEE DOCUMENT FOR FURTHER INFORMATION. (es) (Entered: 08/14/2024)
08/14/2024	90	SEALED EX PARTE APPLICATION <i>Defendants' Status Update on Motion to Compel and Ex Parte Application to Expedite Briefing and Hearing on Motion for Sanctions</i> re Order on Motion for Leave to File Document Under Seal, 89 filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Declaration of Michael E. Swartz, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Declaration of Randall T. Adams)(Kristovich, Bethany) (Entered: 08/14/2024)
08/14/2024	91	PROOF OF SERVICE filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon, re SEALED EX PARTE APPLICATION <i>Defendants' Status Update on Motion to Compel and Ex Parte Application to Expedite Briefing and Hearing on Motion for Sanctions</i> re Order on Motion for Leave to File Document Under Seal, 89 90 served on August 14, 2024. (Kristovich, Bethany) (Entered: 08/14/2024)
08/15/2024	92	ORDER DENIED BY ORDER OF THE COURT by Judge James V. Selna, Denying [PROPOSED] ORDER GRANTING DEFENDANTS' STATUS UPDATE ON MOTION TO COMPEL AND EX PARTE APPLICATION TO EXPEDITE BRIEFING AND HEARING ON MOTION FOR SANCTIONS 83 . SEE DOCUMENT FOR FURTHER INFORMATION. (es) (Entered: 08/15/2024)
08/15/2024	93	ORDER GRANTING PLAINTIFF'S EX PARTE APPLICATION FOR LEAVE TO FILE CERTAIN DOCUMENTS UNDER SEAL IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANTS' STATUS UPDATE AND EX PARTE APPLICATION TO EXPEDITE BRIEFING AND HEARING ON MOTION FOR SANCTIONS 86 by Judge

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		James V. Selna: The documents set for below, which were submitted on August 14, 2024, are to be filed under seal pursuant to local Rule 79-5: SEE DOCUMENT FOR DETAILS. (es) (Entered: 08/15/2024)
08/15/2024	94	Notice of Appearance or Withdrawal of Counsel: for attorney Benjamin A Katzenellenbogen counsel for Plaintiff Masimo Corporation. Adding Benjamin A. Katzenellenbogen as counsel of record for Masimo Corporation for the reason indicated in the G-123 Notice. Filed by Plaintiff Masimo Corporation. (Attorney Benjamin A Katzenellenbogen added to party Masimo Corporation(pty:pla))(Katzenellenbogen, Benjamin) (Entered: 08/15/2024)
08/15/2024	95	Notice of Appearance or Withdrawal of Counsel: for attorney Jeremy Present Lewin counsel for Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. Adding Jeremy Lewin as counsel of record for Politan Capital Management LP, Politan Capital Management GP, LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners, Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, and Darlene Solomon for the reason indicated in the G-123 Notice. Filed by Defendants Politan Capital Management LP, Politan Capital Management GP, LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Intermediate Ltd., Politan Capital Partners, Master Fund LP, Politan Capital Partners LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, Matthew Hall, Aaron Kapito, William Jellison, and Darlene Solomon. (Attorney Jeremy Present Lewin added to party Michelle Brennan(pty:dft), Attorney Jeremy Present Lewin added to party Matthew Hall(pty:dft), Attorney Jeremy Present Lewin added to party William Jellison(pty:dft), Attorney Jeremy Present Lewin added to party Aaron Kapito(pty:dft), Attorney Jeremy Present Lewin added to party Quentin Koffey(pty:dft), Attorney Jeremy Present Lewin added to party Politan Capital Management GP LLC(pty:dft), Attorney Jeremy Present Lewin added to party Politan Capital Management LP(pty:dft), Attorney Jeremy Present Lewin added to party Politan Capital NY LLC(pty:dft), Attorney Jeremy Present Lewin added to party Politan Capital Offshore Partners LP(pty:dft), Attorney Jeremy Present Lewin added to party Politan Capital Partners GP LLC(pty:dft), Attorney Jeremy Present Lewin added to party Politan Capital Partners Master Fund LP(pty:dft), Attorney Jeremy Present Lewin added to party Politan Intermediate Ltd.(pty:dft), Attorney Jeremy Present Lewin added to party Politcan Capital Partners LP(pty:dft), Attorney Jeremy Present Lewin added to party Darlene Solomon(pty:dft))(Lewin, Jeremy) (Entered: 08/15/2024)
08/16/2024	96	TRANSCRIPT ORDER as to Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon for Court Reporter. Court will contact Jennifer Galindo at jennifer.galindo@mto.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Conley, Anne) (Entered: 08/16/2024)
08/16/2024	97	TRANSCRIPT ORDER as to Plaintiff Masimo Corporation for Court Reporter. Court will contact Kristen Fechner at kristen.fechner@lw.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Johnson, Michele) (Entered: 08/16/2024)
08/16/2024	98	SEALED - MINUTES OF Status Conference (bm) (Entered: 08/16/2024)

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08/16/2024	99	SEALED - COURT'S EXHIBIT A (bm) (Entered: 08/16/2024)
08/16/2024	100	SEALED DOCUMENT <i>Plaintiff's Response to Defendants' Status Update on Motion to Compel and Ex Parte Application to Expedite Briefing and Hearing on Motion for Sanctions</i> re Order on Motion for Leave to File Document Under Seal, 93 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Unredacted Document Exhibits 1-3 to the Declaration of Kristin N. Murphy)(Johnson, Michele) (Entered: 08/16/2024)
08/16/2024	101	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Document, 100 served on August 16, 2024. (Johnson, Michele) (Entered: 08/16/2024)
08/16/2024	102	NOTICE of Manual Filing filed by Plaintiff Masimo Corporation of Board of Directors Meeting, April 30, 2024 Videoconference (Board Book) (full and redacted versions). (Johnson, Michele) (Entered: 08/16/2024)
08/17/2024	103	[WITHDRAWN PURSUANT TO DKT. 109] EX PARTE APPLICATION for Order for to Compel Defendants to Produce Improperly Withheld Documents filed by Plaintiff Masimo Corporation. (Attachments: # 1 Declaration of R. Ellison, # 2 Exhibit 1 (Filed Under Seal), # 3 Exhibit 2 (Filed Under Seal), # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5 (Filed Under Seal), # 7 Exhibit 6) (Johnson, Michele) Modified on 8/19/2024 (es). (Entered: 08/17/2024)
08/17/2024	104	[WITHDRAWN PURSUANT TO DKT. 109] APPLICATION to file document <i>Certain Documents in Support of Plaintiff's Ex Parte Application to Compel Defendants to Produce Improperly Withheld Documents</i> under seal filed by Plaintiff Masimo Corporation. (Attachments: # 1 Proposed Order, # 2 Redacted Document Ex Parte to Compel Defendants to Produce Improperly Withheld Documents)(Johnson, Michele) Modified on 8/19/2024 (es). (Entered: 08/17/2024)
08/17/2024	105	[WITHDRAWN PURSUANT TO DKT. 109] SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Certain Documents in Support of Plaintiff's Ex Parte Application to Compel Defendants to Produce Improperly Withheld Documents</i> under seal 104 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Unredacted Document Ex Parte Application for Order for to Compel Defendants to Produce Improperly Withheld Documents, # 2 Unredacted Document Exhibit 1, # 3 Unredacted Document Exhibit 2, # 4 Unredacted Document Exhibit 5)(Ellison, Robert) Modified on 8/19/2024 (es). (Entered: 08/17/2024)
08/17/2024	106	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Declaration in SupportDeclaration,, 105 served on 8/17/2024. (Ellison, Robert) (Entered: 08/17/2024)
08/17/2024	107	[WITHDRAWN PURSUANT TO DKT. 109] NOTICE OF LODGING filed <i>Regarding Proposed Order</i> re EX PARTE APPLICATION for Order for to Compel Defendants to Produce Improperly Withheld Documents 103 (Attachments: # 1 Exhibit 1 - Proposed Order)(Johnson, Michele) Modified on 8/19/2024 (es). (Entered: 08/17/2024)
08/18/2024	109	Notice of Withdrawal of Motion for Order, 103 , Sealed Declaration in SupportDeclaration,, 105 , Proof of Service (subsequent documents) 106 , Leave to File Document Under Seal, 104 , Notice of Lodging 107 filed by Plaintiff Masimo Corporation. (Johnson, Michele) (Entered: 08/18/2024)
08/20/2024	110	MINUTES OF Status Conference held before Judge James V. Selna: Status Conference held. The Court confers with the parties regarding the status of the case. The Court asks the parties to confer in a conference room and return with a clearer record of documents at issue. Later: The parties inform the Court that the issues were resolved. As stated on the record, the Court orders the parties to file a Stipulation by no later than 12:00 Noon on August 21, 2024, regarding the documents at issue. Court Reporter: Sharon Seffens. Attorney for Plaintiff: Robert Ellison, Kristin Murphy; Attorney for Defendant: Anne Ex. A

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		Conley, Randall Adams. Courtroom Deputy: Elsa Vargas; Time in Court: 00:17. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. TEXT ONLY ENTRY (eva) (Entered: 08/20/2024)
08/20/2024	111	TRANSCRIPT for proceedings held on 8-20-24 9:32 a.m. Court Reporter/Electronic Court Recorder: Sharon A Seffens, phone number sseffens@earthlink.net. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/10/2024. Redacted Transcript Deadline set for 9/20/2024. Release of Transcript Restriction set for 11/18/2024. (Seffens, Sharon) (Entered: 08/20/2024)
08/20/2024	112	NOTICE OF FILING TRANSCRIPT filed for proceedings 8-20-24 9:32 a.m. re Transcript 111 THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Seffens, Sharon) TEXT ONLY ENTRY (Entered: 08/20/2024)
08/21/2024	114	Joint STIPULATION for Order Regarding Nonwaiver of Privilege filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Proposed Order)(Kristovich, Bethany) (Entered: 08/21/2024)
08/21/2024	115	ORDER GRANTING STIPULATION REGARDING NONWAIVER OF PRIVILEGE 114 by Judge James V. Selna, the Court hereby GRANTS the Stipulation. The in camera review and/or production of documents pursuant to the Court's instructions and the Parties' agreement does not constitute waiver of privilege for the following documents: SEE DOCUMENT FOR DETAILS. (es) (Entered: 08/21/2024)
08/22/2024	116	Joint STIPULATION to Exceed Page Limitation as to Plaintiff's Supplemented Brief and Defendants' Opposition Brief regarding Plaintiff's Motion for Preliminary Injunction filed by Plaintiff Masimo Corporation. (Attachments: # 1 Proposed Order)(Johnson, Michele) (Entered: 08/22/2024)
08/23/2024	117	ORDER GRANTING STIPULATION TO FILE BRIEFS IN EXCESS OF THE LENGTH LIMITATION OF L.R. 11-6 116 by Judge James V. Selna, the Court hereby GRANTS the Stipulation. The word count for Plaintiff's supplemented brief, due on August 23, 2024, is expanded from 7,000 to 10,000 words; Defendants' opposition brief, due on August 30, 2024, is expanded from 7,000 to 11,000 words; and Plaintiff's reply brief will remain 7,000 words, including headings, footnotes, and quotations, but excluding the caption, the table of contents, the table of authorities, the signature block, the certification required by L.R. 11-6.2, and any indices and exhibits. (es) (Entered: 08/23/2024)
08/23/2024	118	SUPPLEMENT to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Declaration of Robert J. Ellison, # 2 Exhibit 1-55 (Redacted), # 3 Exhibit 56-100 (Redacted), # 4 Exhibit 101-115 (Redacted), # 5 Declaration of Bob Chapek, # 6 Declaration of John Collins, # 7 Declaration of Tom McClenahan, # 8 Declaration of Adam Mikkelson, # 9 Declaration of Michael Palumbo, # 10 Declaration of Craig Reynolds, # 11 Declaration of Bilal Muhsin (Redacted), # 12 Declaration of Micah Young, # 13 Proposed Order)(Johnson, Michele) (Entered: 08/23/2024)
08/23/2024	119	APPLICATION to file document <i>Supplemented Memorandum in Support of Motion for Preliminary Injunction and Supporting Documents Under Seal</i> under seal filed by

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		Plaintiff Masimo Corporation. (Attachments: # 1 Proposed Order, # 2 Redacted Document Supplemented Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction, # 3 Redacted Document Declaration of Bilal Mushin) (Johnson, Michele) (Entered: 08/23/2024)
08/23/2024	120	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Supplemented Memorandum in Support of Motion for Preliminary Injunction and Supporting Documents Under Seal</i> under seal 119 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Sealed Memorandum in Support of Motion for Preliminary Injunction, # 2 Sealed Declaration of Bilal Muhsin, # 3 Sealed Exhibits 1-6, 9, 11, 14-18, and 20, # 4 Sealed Exhibits 22-36, # 5 Sealed Exhibits 38-42, 45-46, and 48-52, # 6 Sealed Exhibits 53-58, 60-66, 69-74, and 76-77, # 7 Sealed Exhibits 78, 80-83, 88, 90. 92-95, 97-98, 100, 102, 107-110, and 114)(Ellison, Robert) (Entered: 08/24/2024)
08/24/2024	121	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Declaration in SupportDeclaration,, 120 served on August 23, 2024. (Johnson, Michele) (Entered: 08/24/2024)
08/26/2024	123	APPLICATION to file document <i>Certain Portions of Plaintiff's Amended Complaint for Violations of the Federal Securities Laws, Breaches of Fiduciary Duty, and Breach of Contract</i> under seal filed by Plaintiff Masimo Corporation. (Attachments: # 1 Proposed Order, # 2 Redacted Document Amended Complaint)(Johnson, Michele) (Entered: 08/26/2024)
08/26/2024	124	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Certain Portions of Plaintiff's Amended Complaint for Violations of the Federal Securities Laws, Breaches of Fiduciary Duty, and Breach of Contract</i> under seal 123 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Unredacted Document Amended Complaint) (Murphy, Kristin) (Entered: 08/26/2024)
08/26/2024	125	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Declaration in SupportDeclaration, 124 served on August 26, 2024. (Murphy, Kristin) (Entered: 08/26/2024)
08/26/2024	126	ORDER GRANTING PLAINTIFF'S APPLICATION FOR LEAVE TO FILE UNDER SEAL DOCUMENTS IN SUPPORT OF PLAINTIFF'S SUPPLEMENTED MEMORANDUM IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION 119 by Judge James V. Selna: SEE DOCUMENT FOR FURTHER INFORMATION. (es) (Entered: 08/27/2024)
08/27/2024	127	MINUTES [IN CHAMBERS] Order Regarding Motion to Dismiss 78 by Judge James V. Selna: Accordingly, the Court DENIES Defendants' Motion to Dismiss as moot. The Court finds that oral argument would not be helpful in this matter and VACATES the September 9, 2024, hearing on the Amended Motion to Dismiss. Fed. R. Civ. P. 78; L.R. 7-15. Masimo's Motion for a Preliminary Injunction, (Dkt. No. 13), remains on the calendar for September 9, 2024. Denying as moot 78 MOTION to Dismiss Case. [SEE DOCUMENT FOR FURTHER INFORMATION.] (es) (Entered: 08/27/2024)
08/27/2024	128	ORDER GRANTING PLAINTIFF'S APPLICATION FOR LEAVE TO FILE UNDER SEAL CERTAIN PORTIONS OF PLAINTIFF'S AMENDED COMPLAINT FOR VIOLATIONS OF THE FEDERAL SECURITIES LAWS, BREACHES OF FIDUCIARY DUTY, AND BREACH OF CONTRACT 123 by Judge James V. Selna: SEE DOCUMENT FOR DETAILS. (es) (Entered: 08/27/2024)
08/28/2024	129	EX PARTE APPLICATION for Order for to Extend Word Limit filed by Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan

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		Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, Darlene Solomon. (Attachments: # 1 Declaration of Anne K. Conley ISO Ex Parte Application for an Order to Extend Word Limit, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Proposed Order) (Kristovich, Bethany) (Entered: 08/28/2024)
08/28/2024	130	OPPOSITION to EX PARTE APPLICATION for Order for to Extend Word Limit 129 filed by Plaintiff Masimo Corporation. (Johnson, Michele) (Entered: 08/28/2024)
08/28/2024	131	Notice filed by Plaintiff Masimo Corporation. <i>Notice of Errata Regarding Docket Entry 122</i> (Johnson, Michele) (Entered: 08/28/2024)
08/28/2024	132	First AMENDED COMPLAINT against Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP amending Complaint (Attorney Civil Case Opening) 1 , filed by Plaintiff Masimo Corporation(Johnson, Michele) (Entered: 08/28/2024)
08/28/2024	133	SEALED DOCUMENT <i>Amended Complaint for Violations of the Federal Securities Laws, Breaches of Fiduciary Duty, and Breach of Contract</i> re Order on Motion for Leave to File Document Under Seal, 128 filed by Plaintiff Masimo Corporation.(Johnson, Michele) (Entered: 08/28/2024)
08/28/2024	134	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Document, 133 served on August 28, 2024. (Johnson, Michele) (Entered: 08/28/2024)
08/28/2024	135	ORDER DENIED BY ORDER OF THE COURT by Judge James V. Selna: DENYING 129 DEFENDANTS' EX PARTE APPLICATION FOR AN ORDER TO EXTEND WORD LIMIT (es) (Entered: 08/29/2024)
08/29/2024	136	MINUTES [IN CHAMBERS] Order Regarding Supplemental Briefing by Judge James V. Selna: See document for further information. (es) (Entered: 08/29/2024)
08/30/2024	137	Joint STIPULATION File Regarding Sealed Materials Filed in Support of Plaintiff's Motion for Preliminary Injunction Under Seal filed by plaintiff Masimo Corporation. (Attachments: # 1 Proposed Order)(Johnson, Michele) (Entered: 08/30/2024)
08/30/2024	138	SEALED DOCUMENT <i>Exhibits 22-28, 31-36 to the Declaration of Robert J. Ellison</i> re Order on Motion for Leave to File Document Under Seal, 126 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Exhibit 22-28, 31-36 to the Declaration of Robert J. Ellison, # 2 Exhibit 38-41, 45-46, 48-52 to the Declaration of Robert J. Ellison, # 3 Exhibit 53-58, 62-65, 69-74, 76-77 to the Declaration of Robert J. Ellison, # 4 Exhibit 78, 80-83, 88, 90, 92-98, 100, 102, 107-110, 114 to the Declaration of Robert J. Ellison) (Ellison, Robert) (Entered: 08/30/2024)
08/30/2024	139	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Document,, 138 served on August 30, 2024. (Ellison, Robert) (Entered: 08/30/2024)
08/31/2024	140	OPPOSITION re: NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 [PUBLIC-REDACTED] filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP. (Kristovich, Bethany) (Entered: 08/31/2024)
08/31/2024	141	DECLARATION of Gregory P. Taxin In Opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP,

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		Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. (Attachments: # 1 Exhibit 1)(Kristovich, Bethany) (Entered: 08/31/2024)
08/31/2024	142	DECLARATION of David F. Larcker In Opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. (Attachments: # 1 Exhibit 1 - [PUBLIC REDACTED])(Kristovich, Bethany) (Entered: 08/31/2024)
08/31/2024	143	DECLARATION of Michael E. Swartz In Opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. (Attachments: # 1 Exhibit Exhs. 1 - 32 [PUBLIC, PUBLIC REDACTED], # 2 Exhibit Exhs. 33 - 136 [PUBLIC, PUBLIC REDACTED], # 3 Exhibit Exhs. 137 - 166 [PUBLIC, PUBLIC REDACTED], # 4 Exhibit 167 [PUBLIC REDACTED], # 5 Exhibit Exhs. 168 - 187 [PUBLIC, PUBLIC REDACTED])(Kristovich, Bethany) (Entered: 08/31/2024)
08/31/2024	144	DECLARATION of Quentin Koffey In Opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 [PUBLIC-REDACTED] filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. (Kristovich, Bethany) (Entered: 08/31/2024)
08/31/2024	145	DECLARATION of Aaron Kapito In Opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 [PUBLIC-REDACTED] filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. (Kristovich, Bethany) (Entered: 08/31/2024)
08/31/2024	146	APPLICATION to file document [<i>Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction and Defendants' Supporting Documents Thereto</i>] under seal filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. (Attachments: # 1 Proposed Order, # 2 Redacted Document Defendants' Opposition to Plaintiff's Preliminary Injunction Motion, # 3 Redacted Document Exh. 1 to Larcker Declaration, # 4 Redacted Document Exhs. 1-32 to Swartz Declaration, # 5 Redacted Document Exhs. 33-136 to Swartz Declaration, # 6 Redacted Document Exhs. 137-166 to Swartz Declaration, # 7 Redacted Document Exh. 167 to Swartz Declaration, # 8 Redacted Document Exhs. 168-187 to Swartz Declaration, # 9 Redacted Document Declaration of Quentin Koffey, # 10 Redacted Document Declaration of Aaron Kapito, # 11 Redacted Document Declaration of Najeeb Ali, # 12 Redacted Document Supplemental Declaration of Najeeb Ali)(Kristovich, Bethany) (Entered: 08/31/2024)

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08/31/2024	147	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>[Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction and Defendants' Supporting Documents Thereto]</i> under seal 146 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP. (Attachments: # 1 Unredacted Document Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction, # 2 Unredacted Document Declaration of Quentin Koffey, # 3 Unredacted Document Declaration of Aaron Kapito, # 4 Unredacted Document Declaration of Najeeb Ali, # 5 Unredacted Document Supplemental Declaration of Najeeb Ali, # 6 Unredacted Document Exh. 1 to Larcker Declaration, # 7 Unredacted Document Exhs. 8-30 to Swartz Declaration, # 8 Unredacted Document Exhs. 31-41 to Swartz Declaration, # 9 Unredacted Document Exhs. 42-44 to Swartz Declaration, # 10 Unredacted Document Exhs. 45-49 to Swartz Declaration, # 11 Unredacted Document Exhs. 50-55 to Swartz Declaration, # 12 Unredacted Document Exhs. 56-61 to Swartz Declaration, # 13 Unredacted Document Exh. 62 (Part 1) to Swartz Declaration, # 14 Unredacted Document Exhs. 62 (Part 2) - 89 to Swartz Declaration, # 15 Unredacted Document Exh. 90 (Part 1) to Swartz Declaration, # 16 Unredacted Document Exh. 90 (Part 2) to Swartz Declaration, # 17 Unredacted Document Exh. 92 to Swartz Declaration, # 18 Unredacted Document Exhs. 93-122 to Swartz Declaration, # 19 Unredacted Document Exhs. 123-132 to Swartz Declaration, # 20 Unredacted Document Exh. 133 to Swartz Declaration, # 21 Unredacted Document Exhs. 134-140 to Swartz Declaration, # 22 Unredacted Document Exhs. 141-167 to Swartz Declaration, # 23 Unredacted Document Exhs. 170-184 to Swartz Declaration)(Kristovich, Bethany) (Entered: 08/31/2024)
08/31/2024	148	PROOF OF SERVICE filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP, re Sealed Declaration in SupportDeclaration,,,,,,,,, 147 <i>Proof of Service of Sealed PI Opposition Brief and Supporting Documents</i> served on 8/31/2024. (Conley, Anne) (Entered: 08/31/2024)
09/03/2024	149	SEALED DOCUMENT <i>Plaintiff's Supplemented Memorandum of Points & Authorities in Support of Motion for Preliminary Injunction</i> re Order on Motion for Leave to File Document Under Seal, 126 filed by Plaintiff Masimo Corporation.(Johnson, Michele) (Entered: 09/03/2024)
09/03/2024	150	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Document, 149 served on September 3, 2024. (Johnson, Michele) (Entered: 09/03/2024)
09/04/2024	151	Supplemental Submission Regarding Economic Loss BRIEF filed by Plaintiff Masimo Corporation. regarding Minutes of In Chambers Order/Directive - no proceeding held 136 . (Attachments: # 1 Redacted Document Declaration of Micah Young)(Johnson, Michele) (Entered: 09/04/2024)
09/04/2024	152	APPLICATION to file document <i>in Support of Plaintiff's Supplemental Submission Regarding Economic Loss</i> under seal filed by Plaintiff Masimo Corporation. (Attachments: # 1 Redacted Document Declaration of Micah Young, # 2 Proposed Order) (Johnson, Michele) (Entered: 09/04/2024)
09/04/2024	153	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>in Support of Plaintiff's Supplemental Submission Regarding Economic Loss</i> under seal 152 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Unredacted Document Declaration of Micah Young)(Ellison, Robert) (Entered: 09/04/2024)

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09/04/2024	154	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Declaration in SupportDeclaration, 153 served on September 4, 2024. (Ellison, Robert) (Entered: 09/04/2024)
09/04/2024	155	REPLY in Support of NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 (Redacted) filed by Plaintiff Masimo Corporation. (Attachments: # 1 Declaration of Bob Chapek in Further Support of Plaintiff's Motion for Preliminary Injunction, # 2 Declaration of Adam Mikkelson in Further Support of Plaintiff's Motion for Preliminary Injunction, # 3 Declaration of Craig Reynolds in Further Support of Plaintiff's Motion for Preliminary Injunction, # 4 Declaration of Micah Young in Further Support of Plaintiff's Motion for Preliminary Injunction, # 5 Declaration of Joe Kiani in Further Support of Plaintiff's Motion for Preliminary Injunction, # 6 Declaration of Robert J. Ellison in Support of Plaintiff's Reply in Support of its Motion for Preliminary Injunction, # 7 Exhibits 116-142 (Public/Redacted))(Johnson, Michele) (Entered: 09/04/2024)
09/04/2024	156	APPLICATION to file document <i>Documents in Support of Plaintiff's Reply in Support of Motion for Preliminary Injunction</i> under seal filed by Plaintiff Masimo Corporation. (Attachments: # 1 Redacted Document Plaintiff's Reply in Support of Motion for Preliminary Injunction, # 2 Proposed Order)(Johnson, Michele) (Entered: 09/04/2024)
09/04/2024	157	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Documents in Support of Plaintiff's Reply in Support of Motion for Preliminary Injunction</i> under seal 156 filed by Plaintiff Masimo Corporation. (Attachments: # 1 Unredacted Document Plaintiff's Reply in Support of Motion for Preliminary Injunction, # 2 Unredacted Document Exhibits 117-119, 120, 123 to the Declaration of Robert J. Ellison in Support of Plaintiff's Reply in Support of Motion for Preliminary Injunction, # 3 Unredacted Document Exhibit 124 (Part 1) to the Declaration of Robert J. Ellison in Support of Plaintiff's Reply in Support of Motion for Preliminary Injunction, # 4 Unredacted Document Exhibit 124 (Part 2) to the Declaration of Robert J. Ellison in Support of Plaintiff's Reply in Support of Motion for Preliminary Injunction, # 5 Unredacted Document Exhibits 125-133, 135, 136, 137, 138 to the Declaration of Robert J. Ellison in Support of Plaintiff's Reply in Support of Motion for Preliminary Injunction) (Ellison, Robert) (Entered: 09/04/2024)
09/04/2024	158	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Declaration in SupportDeclaration,, 157 served on September 4, 2024. (Ellison, Robert) (Entered: 09/04/2024)
09/05/2024	159	ORDER GRANTING APPLICATION FOR LEAVE TO FILE UNDER SEAL DOCUMENT IN SUPPORT OF PLAINTIFF'S SUPPLEMENTAL SUBMISSION REGARDING ECONOMIC LOSS 152 by Judge James V. Selna, the document set forth below, which was submitted on September 4, 2024, is to be filed under seal pursuant to Local Rule 79-5. See document for details. (es) (Entered: 09/05/2024)
09/05/2024	160	ORDER GRANTING STIPULATION REGARDING SEALED MATERIALS IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION 137 by Judge James V. Selna, the Court hereby GRANTS theStipulation and ORDERS: SEE DOCUMENT FOR FURTHER INFORMATION. (es) (Entered: 09/05/2024)
09/05/2024	161	ORDER GRANTING DEFENDANTS' APPLICATION FOR LEAVE TO FILE UNDER SEAL: DOCUMENTS IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION 146 by Judge James V. Selna: Defendants shall file the following documents pursuant to Local Rule 79-5.2.2(c): SEE DOCUMENT FOR DETAILS. (es) (Entered: 09/05/2024)
09/06/2024	162	DECLARATION of Michael E. Swartz In Opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 filed by Defendants Michelle Brennan, Matthew Ex. A

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		Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP. (Attachments: # 1 Exhibit Exhibits 9, 126, 136, 138, 140, 142, 157 and 158 to Swartz Declaration)(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	163	SUPPLEMENTAL BRIEF filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP. regarding Minutes of In Chambers Order/Directive - no proceeding held 136 . (Attachments: # 1 Declaration of Michael E. Swartz, # 2 Exhibit Exhibits 1-9 to Swartz Declaration)(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	164	DECLARATION of Najeeb Ali In Opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP. (Attachments: # 1 Exhibit A to Ali Declaration, # 2 Exhibit B to Ali Declaration)(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	165	DECLARATION of Najeeb Ali In Opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 <i>SUPPLEMENTAL DECLARATION OF NAJEEB ALI</i> filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP. (Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	166	SEALED DOCUMENT <i>DEFENDANTS' OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP. (Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	167	SEALED DOCUMENT <i>DECLARATION OF QUENTIN KOFFEY IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP. (Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	168	SEALED DOCUMENT <i>DECLARATION OF AARON KAPITO IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan

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		Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP. (Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	169	SEALED DOCUMENT <i>EXHIBIT 1 TO DECLARATION OF DAVID LARCKER IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	170	SEALED DOCUMENT <i>EXHIBIT A TO DECLARATION OF NAJEEB ALI IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	171	SEALED DOCUMENT <i>EXHIBIT B TO DECLARATION OF NAJEEB ALI IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	172	SEALED DOCUMENT <i>EXHIBITS 8 - 30 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	173	SEALED DOCUMENT <i>EXHIBITS 31 - 41 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	174	SEALED DOCUMENT <i>EXHIBITS 42 - 44 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)

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09/06/2024	175	SEALED DOCUMENT <i>EXHIBITS 45 - 49 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	176	SEALED DOCUMENT <i>EXHIBITS 50 - 55 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	177	SEALED DOCUMENT <i>EXHIBITS 56 - 61 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	178	SEALED DOCUMENT <i>EXHIBITS 62 - 89 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	179	SEALED DOCUMENT <i>EXHIBIT 90 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. (Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	180	SEALED DOCUMENT <i>EXHIBIT 92 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. (Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	181	SEALED DOCUMENT <i>EXHIBITS 93 - 122 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF

		MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	182	SEALED DOCUMENT <i>EXHIBITS 123 - 132 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	183	SEALED DOCUMENT <i>EXHIBIT 133 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	184	SEALED DOCUMENT <i>EXHIBITS 134 - 140 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	185	SEALED DOCUMENT <i>EXHIBITS 141 - 167 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	186	SEALED DOCUMENT <i>EXHIBITS 170 - 184 TO SWARTZ DECLARATION IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 , Order on Motion for Leave to File Document Under Seal, 161 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP.(Kristovich, Bethany) (Entered: 09/06/2024)
09/06/2024	187	PROOF OF SERVICE filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate

		Ltd., Politcan Capital Partners LP, re Sealed Document,, 184 , Sealed Document,, 177 , Sealed Document,, 168 , Sealed Document,, 170 , Sealed Document,, 176 , Sealed Document,, 175 , Sealed Document,, 173 , Sealed Document,, 174 , Sealed Document,, 169 , Sealed Document,, 183 , Sealed Document,, 178 , Sealed Document,, 182 , Sealed Document,, 167 , Sealed Document,, 171 , Sealed Document,, 186 , Sealed Document,, 181 , Sealed Document,, 185 , Sealed Document,, 180 , Sealed Document,, 179 , Sealed Document,, 172 , Sealed Document,, 166 served on September 6, 2024. (Lewin, Jeremy) (Entered: 09/06/2024)
09/06/2024	188	NOTICE OF ERRATA filed by Plaintiff Masimo Corporation. correcting Sealed Document,, 138 (Johnson, Michele) (Entered: 09/06/2024)
09/06/2024	189	SEALED DOCUMENT <i>Corrected Sealed Exhibits 93 and 95 to the Declaration of Robert J. Ellison in Support of Plaintiff's Supplemented Brief in Support of its Motion for Preliminary Injunction</i> re Order on Motion for Leave to File Document Under Seal, 126 , Errata 188 filed by Plaintiff Masimo Corporation.(Ellison, Robert) (Entered: 09/06/2024)
09/06/2024	190	SEALED DOCUMENT <i>Declaration of Micah Young in Support of Plaintiff's Supplemental Submission Regarding Economic Loss</i> re Order on Motion for Leave to File Document Under Seal, 159 filed by Plaintiff Masimo Corporation.(Ellison, Robert) (Entered: 09/06/2024)
09/06/2024	191	PROOF OF SERVICE filed by Plaintiff Masimo Corporation, re Sealed Document, 189 , Sealed Document, 190 served on September 6, 2024. (Ellison, Robert) (Entered: 09/06/2024)
09/06/2024	192	SUPPLEMENT to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 <i>Revised Redacted Version of Plaintiff's Supplemented Memorandum of Points & Authorities in Support of Motion for Preliminary Injunction and Certain Exhibits Per Dkt. 160</i> filed by Plaintiff Masimo Corporation. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 5, # 5 Exhibit 6, # 6 Exhibit 26, # 7 Exhibit 27, # 8 Exhibit 29, # 9 Exhibit 30, # 10 Exhibit 31, # 11 Exhibit 32, # 12 Exhibit 60, # 13 Exhibit 61, # 14 Exhibit 64, # 15 Exhibit 66)(Johnson, Michele) (Entered: 09/06/2024)
09/09/2024	193	DECLARATION of Michael E. Swartz in opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction 13 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital Partners LP. (Attachments: # 1 Exhibit 1)(Kristovich, Bethany) (Entered: 09/09/2024)
09/09/2024	194	MINUTES OF Hearing on Plaintiff's Motion for Preliminary Injunction 13 held before Judge James V. Selna: The Court's tentative ruling is issued. The Court hears oral argument from the parties. The Court takes the Motion under submission. A separate order to issue. Court Reporter: Sharon Seffens. Attorneys for Plaintiff: Michelle Johnson, Robert Ellison, Kristin Murphy; Attorneys for Defendant: Randall Adams, Anne Conley, Bethany Kristovich, Michael Swartz, Minji Reem. Courtroom Deputy: Elsa Vargas; Time in Court: 01:29. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. TEXT ONLY ENTRY. (eva) (Entered: 09/09/2024)
09/09/2024	195	Joint STIPULATION for Extension of Time to File Defendants' Answer to Amended Complaint filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politcan Capital

ID #: 22869

		Partners LP. (Attachments: # 1 Proposed Order)(Kristovich, Bethany) (Entered: 09/09/2024)
09/09/2024	196	NOTICE OF MOTION AND MOTION to Dismiss Case <i>[AMENDED COMPLAINT]</i> filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. Motion set for hearing on 11/4/2024 at 01:30 PM before Judge James V. Selna. (Attachments: # 1 Proposed Order) (Gildersleeve, John) (Entered: 09/09/2024)
09/09/2024	197	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION to Dismiss Case <i>[AMENDED COMPLAINT]</i> 196 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. (Gildersleeve, John) (Entered: 09/09/2024)
09/09/2024	198	DECLARATION of Michael E. Swartz In Support Of NOTICE OF MOTION AND MOTION to Dismiss Case <i>[AMENDED COMPLAINT]</i> 196 filed by Defendants Michelle Brennan, Matthew Hall, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21)(Gildersleeve, John) (Entered: 09/09/2024)
09/10/2024	199	TRANSCRIPT ORDER as to Plaintiff Masimo Corporation for Court Reporter. Court will contact Kristen Fechner at kristen.fechner@lw.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Ellison, Robert) (Entered: 09/10/2024)
09/10/2024	200	TRANSCRIPT ORDER as to Defendants Michelle Brennan, Matthew Hall, William Jellison, Aaron Kapito, Quentin Koffey, Politan Capital Management GP LLC, Politan Capital Management LP, Politan Capital NY LLC, Politan Capital Offshore Partners LP, Politan Capital Partners GP LLC, Politan Capital Partners Master Fund LP, Politan Intermediate Ltd., Politan Capital Partners LP, Darlene Solomon for Court Reporter. Court will contact Anne K. Conley at anne.conley@mto.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Conley, Anne) (Entered: 09/10/2024)
09/11/2024	201	SEALED [IN CHAMBERS] ORDER Regarding Motion for Preliminary Injunction 13 by Judge James V. Selna. (dgo) (Entered: 09/11/2024)

EXHIBIT B



Politan Comments on Judge's Decision to Deny Masimo's Request for a Preliminary Injunction

*Judge Found that Masimo's Endless Array of Allegations Did Not Hold Up in Court
Ruling Clears Way for the Shareholder Vote to Proceed on September 19
Shareholders Can Vote for Politan's Independent Nominees, Darlene Solomon and William
Jellison, on the WHITE Card and Can Visit www.AdvanceMasimo.com for Further
Information*

September 12, 2024 09:44 AM Eastern Daylight Time

NEW YORK--(BUSINESS WIRE)--Politan Capital Management (together with its affiliates, "Politan"), an 8.9% shareholder of Masimo Corporation ("Masimo" or the "Company") (NASDAQ: MASI), issued the following statement regarding last night's ruling in California federal court denying Masimo's attempt to block Politan from voting the proxies it collects. The full opinion is currently under seal while determinations are made regarding redacting any confidential information it contains. The Company's 2024 Annual Meeting of Stockholders (the "Annual Meeting") is currently scheduled for September 19.

Politan and its founder and Chief Investment Officer Quentin Koffey stated:

"We are pleased by the court's ruling, which removes the last barrier to shareholders having an opportunity to elect truly independent directors to Masimo's Board of Directors at the upcoming Annual Meeting. By seeking to prohibit Politan from voting its proxies, Masimo's litigation was always nothing more than a desperate move to prevent a fair election. We are extremely appreciative of the extraordinary effort that was undertaken by the California federal court to digest a massive volume of materials and information in less than a month. We also appreciate the Delaware Court of Chancery's work and implementation of a status quo order, which ensures Masimo cannot enter into any significant transaction between now and September 19 and that an orderly meeting will be conducted.

Throughout the case Masimo made dozens of accusations against Politan, seemingly coming up with endless new claims as their original arguments were exposed to be false. Politan produced more than 17,500 documents and more than 97,500 pages of materials in response to the Company's aggressive discovery requests. We also proactively filed Masimo's entire complaint and made clarifying disclosures – no matter how minor – such as our September 9 [filing](#). Had we chosen to countersue, the Company would have had extensive corrections to issue, as demonstrated by the overwhelming written record produced in discovery and statements from [expert witnesses](#)¹, noting for example that Ms. Brennan and I were denied basic information required to fulfill our fiduciary duties – including not having ever even seen a budget. Discovery also showed that Mr. Kiani and his advisors understood and were in close contact with RTW regarding the [empty voting](#)² scheme and confirmed through a [declaration](#)³ from Centerview Partners that the structure for a separation of the consumer business proposed by Mr. Kiani – specifically the separation of critical Masimo IP – would harm shareholders

Overall, the legal process further reinforced why independent oversight on Masimo's Board is so urgently needed. Under the current Board, Masimo will recklessly spend shareholder resources and say anything – including making allegations based on "quadruple hearsay"⁴ with "witnesses" that don't even exist – to mislead investors. While

Masimo will likely attempt to falsely spin even this filing to attack Politan, our focus is on the September 19 meeting.
We look forward to shareholders finally having a chance to make their voices heard."

###

Your vote is important, no matter how many shares of Common Stock you own. We urge you to sign, date, and return the WHITE universal proxy card today to vote FOR the election of the Politan Nominees and in accordance with the Politan Parties' recommendations on the other proposals on the agenda for the 2024 Annual Meeting.

*If you have any questions, require assistance in voting your
WHITE universal proxy card or voting instruction form,
or need additional copies of Politan's proxy materials,
please contact D.F. King using the contact information provided here:*

**D.F. King & Co., Inc.
48 Wall Street
New York, New York 10005
Stockholders call toll-free: (888) 628-8208
Banks and Brokers call: (212) 269-5550
By Email: MASI@dfking.com**

CAUTIONARY STATEMENT REGARDING FORWARD-LOOKING STATEMENTS

The information herein contains "forward-looking statements." Specific forward-looking statements can be identified by the fact that they do not relate strictly to historical or current facts and include, without limitation, words such as "may," "will," "expects," "believes," "anticipates," "plans," "estimates," "projects," "potential," "targets," "forecasts," "seeks," "could," "should" or the negative of such terms or other variations on such terms or comparable terminology. Similarly, statements that describe our objectives, plans or goals are forward-looking. Forward-looking statements are subject to various risks and uncertainties and assumptions. There can be no assurance that any idea or assumption herein is, or will be proven, correct. If one or more of the risks or uncertainties materialize, or if any of the underlying assumptions of Politan Capital Management LP ("Politan") or any of the other participants in the proxy solicitation described herein prove to be incorrect, the actual results may vary materially from outcomes indicated by these statements. Accordingly, forward-looking statements should not be regarded as a representation by Politan that the future plans, estimates or expectations contemplated will ever be achieved.

Certain statements and information included herein may have been sourced from third parties. Politan does not make any representations regarding the accuracy, completeness or timeliness of such third party statements or information. Except as may be expressly set forth herein, permission to cite such statements or information has neither been sought nor obtained from such third parties. Any such statements or information should not be viewed as an indication of support from such third parties for the views expressed herein.

Politan disclaims any obligation to update the information herein or to disclose the results of any revisions that may be made to any projected results or forward-looking statements herein to reflect events or circumstances after the date of such information, projected results or statements or to reflect the occurrence of anticipated or unanticipated events.

CERTAIN INFORMATION CONCERNING THE PARTICIPANTS

Politan and the other Participants (as defined below) have filed a definitive proxy statement and accompanying WHITE universal proxy card or voting instruction form with the Securities and Exchange Commission (the "SEC") to be used to solicit proxies for, among other matters, the election of its slate of director nominees at the 2024 annual stockholders meeting (the "2024 Annual Meeting") of Masimo Corporation, a Delaware corporation ("Masimo"). Shortly after filing its definitive proxy statement with the SEC, Politan furnished the definitive proxy statement and accompanying WHITE universal proxy card or voting instruction form to some or all of the stockholders entitled to vote at the 2024 Annual Meeting.

The participants in the proxy solicitation are Politan, Politan Capital Management GP LLC (“Politan Management”), Politan Capital Partners GP LLC (“Politan GP”), Politan Capital NY LLC (the “Record Stockholder”), Politan Intermediate Ltd., Politan Capital Partners Master Fund LP (“Politan Master Fund”), Politan Capital Partners LP (“Politan LP”), Politan Capital Offshore Partners LP (“Politan Offshore” and, collectively with Politan Master Fund and Politan LP, the “Politan Funds”), Quentin Koffey, Matthew Hall, Aaron Kapito (all of the foregoing persons, collectively, the “Politan Parties”), William Jellison and Darlene Solomon (such individuals, collectively with the Politan Parties, the “Participants”).

As of the date hereof, the Politan Parties in this solicitation collectively own an aggregate of 4,713,518 shares (the “Politan Group Shares”) of common stock, par value \$0.001 per share, of Masimo (the “Common Stock”). Mr. Koffey may be deemed to own an aggregate of 4,714,746 shares of Common Stock (the “Koffey Shares”), which consists of 1,228 restricted stock units that vested on June 26, 2024 as well as the Politan Group Shares. Politan, as the investment adviser to the Politan Funds, may be deemed to have the shared power to vote or direct the vote of (and the shared power to dispose or direct the disposition of) the Politan Group Shares, and, therefore, Politan may be deemed to be the beneficial owner of all of the Politan Group Shares. The Record Stockholder is the direct and record owner of 1,000 shares of Common Stock that comprise part of the Politan Group Shares. Both the Politan Group Shares and the Koffey Shares represent approximately 8.8% of the outstanding shares of Common Stock based on 53,478,694 shares of Common Stock outstanding as of August 12, 2024, as reported in Masimo’s revised definitive proxy statement filed on August 15, 2024. As the general partner of Politan, Politan Management may be deemed to have the shared power to vote or direct the vote of (and the shared power to dispose or direct the disposition of) all of the Politan Group Shares and, therefore, Politan Management may be deemed to be the beneficial owner of all of the Politan Group Shares. As the general partner of the Politan Funds, Politan GP may be deemed to have the shared power to vote or to direct the vote of (and the shared power to dispose or direct the disposition of) all of the Politan Group Shares, and therefore Politan GP may be deemed to be the beneficial owner of all of the Politan Group Shares. Mr. Koffey, including by virtue of his position as the Managing Partner and Chief Investment Officer of Politan and as the Managing Member of Politan Management and Politan GP, may be deemed to have the shared power to vote or direct the vote of (and the shared power to dispose or direct the disposition of) all of the Koffey Shares.

IMPORTANT INFORMATION AND WHERE TO FIND IT

POLITAN STRONGLY ADVISES ALL STOCKHOLDERS OF MASIMO TO READ ITS DEFINITIVE PROXY STATEMENT, ANY AMENDMENTS OR SUPPLEMENTS TO SUCH PROXY STATEMENT AND OTHER PROXY MATERIALS FILED BY POLITAN WITH THE SEC AS THEY BECOME AVAILABLE BECAUSE THEY WILL CONTAIN IMPORTANT INFORMATION. SUCH PROXY MATERIALS WILL BE AVAILABLE AT NO CHARGE ON THE SEC’S WEBSITE AT WWW.SEC.GOV. THE DEFINITIVE PROXY STATEMENT AND OTHER RELEVANT DOCUMENTS ARE ALSO AVAILABLE ON THE SEC WEBSITE, FREE OF CHARGE, OR BY DIRECTING A REQUEST TO THE PARTICIPANTS’ PROXY SOLICITOR, D.F. KING & CO., INC., 48 WALL STREET, 22ND FLOOR, NEW YORK, NEW YORK 10005 STOCKHOLDERS CAN CALL TOLL-FREE: (888) 628-8208.

¹ Declaration of David F. Larcker in Support of Politan’s Opposition to Masimo’s Motion for Preliminary Injunction.

² Politan’s First Amended and Supplemented Verified Complaint Filed in the Delaware Court of Chancery.

³ Declaration of Najeeb Ali of Centerview Partners in Support of Politan’s Opposition to Masimo’s Motion for Preliminary Injunction.

⁴ Bloomberg Law, August 30, 2024.

Contacts

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emccarthy@dfking.com

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Longacre Square Partners

dzacchei@longacresquare.com / jgermani@longacresquare.com

EXHIBIT C



Masimo's Lawsuit Forced Politan and Quentin Koffey to Issue Corrective Disclosures on False and Misleading Statements Made to Masimo Stockholders on Issues Material to the Proxy Contest

ISS and Glass Lewis Based Recommendations Upon Politan's Lies; Egan-Jones Recommends "FOR" Both of Masimo's Director Nominees Following Multiple Corrective Disclosures by Politan

Control of Masimo Depends on September 19 Vote – Stockholders Urged to Vote "FOR" Only Masimo's Director Nominees, Joe Kiani and Christopher Chavez, on the Updated GOLD Proxy Card

September 12, 2024 12:18 PM Eastern Daylight Time

IRVINE, Calif.--(BUSINESS WIRE)--Masimo Corporation ("Masimo" or the "Company") (NASDAQ: MASI), a global leader in noninvasive monitoring technologies and audio products, today set the record straight in response to Politan Capital Management LP ("Politan") and Quentin Koffey's preemptive press release regarding an order from the U.S. District Court for the Central District of California that is still under seal.

Masimo's lawsuit forced Politan to issue several new disclosures, including on the morning of the hearing, to correct its false and misleading statements and to provide material information Politan previously concealed from Masimo stockholders, ISS and Glass Lewis. These false and misleading statements include:

- **Politan and Quentin Koffey Lied About the Spin-off.** Mr. Koffey falsely claimed that the Special Committee had unanimously rejected the term sheet he had previously agreed upon with Mr. Kiani. In fact, Politan's corrective disclosures revealed that Mr. Koffey never shared the agreed upon term sheet with any other member of the Special Committee.
- **Politan and Quentin Koffey Lied About the Board's Role in the Sale Process.** Mr. Koffey falsely claimed that the Board authorized Mr. Kiani to carry out a sale of the Company without further Board oversight. In fact, Politan's corrective disclosures revealed that Mr. Koffey knew this not to be true.

- **Politan and Quentin Koffey Lied About the Outcome of the Sale Process.** Mr. Koffey falsely implied that Mr. Kiani unilaterally rejected offers for Masimo because those offers didn't satisfy Mr. Kiani personally. In fact, Politan's corrective disclosures revealed that Mr. Koffey knew that Masimo had not received or rejected any offers.

Masimo issued the following statement:

"Politan and Quentin Koffey have relied on misleading and false statements to distract both stockholders and proxy advisory firms from their lack of a plan or strategy for Masimo. In stark contrast, Masimo has made concrete commitments to usher in changes that stockholders have said they want, including separating our consumer business and expanding the Board with more independent directors. Our recent earnings clearly show that our strategy is working. We urge stockholders not to put this momentum at risk by handing control to an inexperienced team with no strategy or leadership plan for the business, particularly in light of the fact that Mr. Kiani has been clear about his intentions to depart the Company should Politan gain control of the Board. Masimo's COO, Bilal Muhsin, has also declared his intent to resign if Politan gains control of the Board, and more than three hundred other employees, including senior executives, have expressed that they may follow suit."

The September 19, 2024 Annual Meeting is fast approaching, and it's important to vote as soon as possible. The Company urges stockholders to vote "FOR" Masimo's director nominees, Joe Kiani and Christopher Chavez, on the updated **GOLD** proxy card to protect Masimo's future and your investment.

For more information on how to protect the value of your investment at Masimo, visit www.ProtectMasimosFuture.com.

Your Vote Is Important, Please Use The Updated GOLD Proxy Card Today!

If you have questions about how to vote your shares, please call the firm assisting us with the solicitation of proxies,

Innisfree M&A Incorporated

1 (877) 456-3463 (toll-free from the U.S. and Canada)

or

+1 (412) 232-3651 (from other locations)

About Masimo

Masimo (NASDAQ: MASI) is a global medical technology company that develops and produces a wide array of industry-leading monitoring technologies, including innovative measurements, sensors, patient monitors, and automation and connectivity solutions. In addition, Masimo Consumer Audio is home to eight legendary audio brands, including Bowers & Wilkins, Denon, Marantz, and Polk Audio. Our mission is to improve life, improve patient outcomes, and reduce the cost of care. Masimo SET[®] Measure-through Motion and Low Perfusion[™] pulse oximetry, introduced in 1995, has been shown in over 100 independent and objective studies to outperform other pulse oximetry technologies.¹ Masimo SET[®] has also been shown to help clinicians reduce severe retinopathy of prematurity in neonates,² improve CCHD screening in newborns³ and, when used for continuous monitoring with Masimo Patient SafetyNet[™] in post-surgical wards, reduce rapid response team activations, ICU transfers, and costs.⁴⁻⁵ Masimo SET[®] is estimated to be used on more than 200 million patients in leading hospitals and other healthcare settings around the world,⁶ and is the primary pulse oximetry at all 10 top U.S. hospitals as ranked in the 2024 Newsweek World's Best Hospitals listing.⁷ In 2005, Masimo introduced rainbow[®] Pulse CO-Oximetry technology, allowing noninvasive and continuous monitoring of blood constituents that previously could only be measured invasively, including to ~~Ex~~ ^o hemoglobin (SpHb[®]), oxygen content (SpOC[™]),

carboxyhemoglobin (SpCO[®]), methemoglobin (SpMet[®]), Pleth Variability Index (PVI[®]), RPPV[®] (rainbow PVI), and Oxygen Reserve Index (ORi[™]). In 2013, Masimo introduced the Root[®] Patient Monitoring and Connectivity Platform, built from the ground up to be as flexible and expandable as possible to facilitate the addition of other Masimo and third-party monitoring technologies; key Masimo additions include Next Generation SedLine[®] Brain Function Monitoring, O3[®] Regional Oximetry, and ISA[™] Capnography with NomoLine[®] sampling lines. Masimo's family of continuous and spot-check monitoring Pulse CO-Oximeters[®] includes devices designed for use in a variety of clinical and non-clinical scenarios, including tetherless, wearable technology, such as Radius-7[®], Radius PPG[®], and Radius VSM[™], portable devices like Rad-67[®], fingertip pulse oximeters like MightySat[®] Rx, and devices available for use both in the hospital and at home, such as Rad-97[®] and the Masimo W1[®] medical watch. Masimo hospital and home automation and connectivity solutions are centered around the Masimo Hospital Automation[™] platform, and include Iris[®] Gateway, iSirona[™], Patient SafetyNet, Replica[®], Halo ION[®], UniView[®], UniView :60[™], and Masimo SafetyNet[®]. Its growing portfolio of health and wellness solutions includes Radius T[®], Masimo W1 Sport, and Masimo Stork[™]. Additional information about Masimo and its products may be found at www.masimo.com. Published clinical studies on Masimo products can be found at <https://professional.masimo.com/evidence/featured-studies/feature/>.

References

1. Published clinical studies on pulse oximetry and the benefits of Masimo SET[®] can be found on our website at www.masimo.com. Comparative studies include independent and objective studies which are comprised of abstracts presented at scientific meetings and peer-reviewed journal articles.
2. Castillo A et al. Prevention of Retinopathy of Prematurity in Preterm Infants through Changes in Clinical Practice and SpO2 Technology. Acta Paediatr. 2011 Feb;100(2):188-92.
3. de-Wahl Granelli A et al. Impact of pulse oximetry screening on the detection of duct dependent congenital heart disease: a Swedish prospective screening study in 39,821 newborns. BMJ. 2009;Jan 8;338.
4. McGrath S et al. Surveillance Monitoring Management for General Care Units: Strategy, Design, and Implementation. The Joint Commission Journal on Quality and Patient Safety. 2016 Jul;42(7):293-302.
5. McGrath S et al. Inpatient Respiratory Arrest Associated With Sedative and Analgesic Medications: Impact of Continuous Monitoring on Patient Mortality and Severe Morbidity. J Patient Saf. 2021; 17(8):557-561.
6. Estimate: Masimo data on file.
7. As ranked in the 2024 Newsweek World's Best Hospitals listing, available at <https://www.newsweek.com/rankings/worlds-best-hospitals-2024/united-states>.

Forward-Looking Statements

This press release includes forward-looking statements as defined in Section 27A of the Securities Act of 1933, as amended, and Section 21E of the Securities Exchange Act of 1934, as amended, in connection with the Private Securities Litigation Reform Act of 1995. These forward-looking statements include, among others, statements regarding the 2024 Annual Meeting of Stockholders (the "2024 Annual Meeting") of Masimo and the potential stockholder approval of the Board's nominees; changes to Masimo's governance, including the composition of Masimo's Board of Directors and Masimo's plans to expand the Board; and the proposed separation of Masimo's consumer business, including any potential joint venture or any other potential separation of Masimo's consumer business. These forward-looking statements are based on current expectations about future events affecting Masimo and are subject to risks and uncertainties, all of which are difficult to predict and many of which are beyond Masimo's control and could cause its actual results to differ materially and adversely from those expressed in its forward-looking statements as a result of various risk factors, including, but not limited to (i) uncertainties regarding future actions that may be taken by Politan in furtherance of its nomination of director candidates for election at the 2024 Annual Meeting, (ii) the potential cost and management distraction attendant to Politan's nomination of director nominees at the 2024 Annual Meeting and (iii) factors discussed in the "Risk Factors" section of Masimo's most recent periodic reports filed with the Securities and Exchange Commission ("SEC"), which may be obtained for free at the SEC's website at www.sec.gov. Although Masimo believes that the expectations reflected in its forward-looking statements are reasonable, the Company does not know whether its expectations will prove correct. All forward-looking statements included in this press release are expressly qualified in their entirety by the foregoing cautionary statements. You are cautioned not to place undue reliance on these forward-looking statements, which speak only as of today's date. Masimo does not undertake any obligation to update, amend or clarify these statements or the "Risk Factors" contained in the Company's most recent reports filed with the SEC, whether as a result of new information, future events or otherwise, except as may be required under the applicable securities laws.

On August 15, 2024, the Company filed a revised version of its 2024 proxy statement (the "Revised Proxy Statement") and has mailed the Revised Proxy Statement to its stockholders of record as of the new August 12, 2024 record date for the 2024 Annual Meeting. Any votes submitted by Masimo stockholders in connection with the 2024 Annual Meeting prior to the filing of the Revised Proxy Statement will not be counted and previous proxies submitted will be disregarded, and therefore, all stockholders will need to resubmit their votes, even if they have previously voted. The Company filed a revised version of the Revised Proxy Statement with the SEC on August 22, 2024, which amended, superseded and replaced in its entirety the Revised Proxy Statement (the "Amended Revised Proxy Statement"). THE COMPANY'S STOCKHOLDERS ARE STRONGLY ENCOURAGED TO READ THE AMENDED REVISED PROXY STATEMENT (AND ANY AMENDMENTS AND SUPPLEMENTS THERETO) AND ACCOMPANYING UPDATED GOLD PROXY CARD AS THEY CONTAIN IMPORTANT INFORMATION. Stockholders may obtain the Amended Revised Proxy Statement and any amendments or supplements thereto and other documents as and when filed by the Company with the SEC without charge from the SEC's website at www.sec.gov.

Certain Information Regarding Participants

The Company, its directors and certain of its executive officers and employees may be deemed to be participants in connection with the solicitation of proxies from the Company's stockholders in connection with the matters to be considered at the 2024 Annual Meeting. Information regarding the direct and indirect interests, by security holdings or otherwise, of the Company's directors and executive officers in the Company is included in the Amended Revised Proxy Statement, which can be found through the SEC's website at <https://www.sec.gov/ix?doc=/Archives/edgar/data/937556/000121390024071554/ea0206756-07.htm>, and any changes thereto may be found in any amendments or supplements to the Amended Revised Proxy Statement and other documents as and when filed by the Company with the SEC, which can be found through the SEC's website at www.sec.gov.

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EXHIBIT D

Politan Wins Masimo Litigation, Contest Proceeds



Senator Investment Group's Quentin Koffey

The Quentin Koffey-led activist will be able to continue its effort to add a third and fourth director to the health technology company's board, in a contest focused on M&A.



September 12, 2024 12:03 PM

A California court on Wednesday, Sept. 11, denied an effort by Masimo Inc. (MASI) to block a director contest from **Politan Capital Management LP**, clearing the way for a Sept. 19 boardroom battle set that could have a major impact on how the health technology company proceeds with a possible spinoff.

The health technology company had urged a California district court to invalidate any proxies the Quentin Koffey-led activist fund or "other person acting in concert with them" obtained pursuant to allegedly "misleading proxy material." A hearing took place on Sept. 9. Politan reportedly argued that new disclosures mooted the allegations.

Politan, an 8.9% holder, is seeking to elect a third and fourth dissident director to Masimo's board in a contest that, if successful, would oust founder, chairman and CEO **Joe Kiani** from his board position, and potentially drive him to leave the company outright. Politan had offered to put Kiani back on the board if he was removed.

The activist investor succeeded last year at installing two dissident directors, including Politan founder **Quentin Koffey**, to Masimo's board, following a campaign that materialized after the health technology company acquired consumer technology company **Sound United** for \$1.03 billion — a deal that drove the company's share price down and was shunned by some analysts.

The full opinion by the California court is under seal while determinations are made about redacting confidential information, Politan noted. Masimo didn't return requests for comment.

Additionally, in another win for the dissident, Masimo reportedly told Vice Chancellor **Nathan Cook** of the Delaware Court of Chancery on Wednesday that it no longer needed a trial that had been scheduled for Friday as it was no longer trying to stop Politan from nominating directors. Cook later canceled the trial. In July, the court said

Masimo and Politan also reached a so-called status quo agreement to give the court five days notice before the health technology company would make any major M&A commitments in excess of \$50 million. "We also appreciate the Delaware Court of Chancery's work and implementation of a status quo order, which ensures Masimo cannot enter into any significant transaction between now and September 19 and that an orderly meeting will be conducted," Koffey said in a statement Thursday.

Institutional Shareholder Services Inc. and Glass Lewis & Co. issued reports urging shareholders to support Politan's two dissident director candidates. Last year, both proxy advisers also recommended that investors support Politan's candidates.

The two sides are at odds over M&A efforts at Masimo. On Sept. 5, Masimo pointed to a Centerview Partners LP filing made on its behalf in the California lawsuit suggesting that a spinoff proposal once considered for Masimo's consumer unit would "decrease value" for shareholders. In a "declaration" report in support of Politan, Centerview said assigning licensing of company intellectual property, as Kiani had proposed, to a spun-off consumer unit would create a "negative valuation overhang" for the RemainCo. business.

Centerview had originally been hired by a Masimo special board committee chaired by Koffey that had been considering a possible spinoff approach, but the panel had dissolved after an agreement couldn't be reached.

Masimo, in a statement, alleged Koffey, as special committee chair, hired **Sullivan & Cromwell LLP** as the committee's legal adviser but didn't disclose that the law firm was also advising him and Michelle Brennan, a Politan-backed director, "in an individual capacity." The company added, "now he has solicited Centerview support for his personal interests."

In an Aug. 26 filing, Masimo said an exclusivity period with a possible joint venture partner had been concluded with no deal. In addition, the company said it's working with financial partner **Morgan Stanley** to engage in "parallel discussions" about the

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discuss the option with the potential JV partner.

TAGS M&A CORPORATE GOVERNANCE HEALTHCARE EQUIPMENT & SERVICES

\$ 1-10 BILLION CALIFORNIA NEW YORK HEDGE FUNDS

AUCTIONS EDITOR'S PICK

COMPANIES

- Centerview Partners LLC
- Court Of Chancery Of The State Of Delaware
- Glass, Lewis & Co. LLC
- Institutional Shareholder Services Inc.
- Masimo Corp.
- Morgan Stanley
- Politan Capital Management LP
- Sound United
- Sullivan & Cromwell LLP

PEOPLE

- Nathan Cook
- Joe Kiani
- Quentin Koffey